



## Fact Sheet:

# **Licensing and Certification Division Residential and Outpatient Programs Compliance Branch**



*The Residential and Outpatient Programs Compliance Branch (ROPCB) is responsible for the licensing and monitoring of adult, non-medical, residential alcoholism or drug abuse recovery or treatment facilities, the certification of residential and nonresidential programs, and the Drug/Medi-Cal certification of clinics.*

*The Driving-Under-the-Influence Program Branch and the Narcotic Treatment Program Licensing Branch are also located in the Licensing and Certification Division. You can obtain information about these programs at <http://www.adp.ca.gov/FactSheets>.*

## *Licensing and Certification of Alcoholism or Drug Abuse Recovery or Treatment Facilities*

### Frequently Asked Questions

#### **Licensed vs. Unlicensed Facilities**

##### **1. What programs (facilities) must the Department of Alcohol and Drug Programs (ADP) license?**

Title 9, California Code of Regulations (CCR), Section 10501, defines a "facility" as any building or group of buildings which is maintained and operated to provide on a residential basis, one or more of the following alcoholism or drug abuse recovery or treatment services: detoxification; individual, group or educational sessions; treatment or recovery planning.

##### **2. What facilities do not require licensure by ADP?**

- Facilities that provide a cooperative living arrangement (sometimes referred to as a sober living environment or alcohol and drug free housing) for persons recovering from alcohol and/or other drug problems. It is important to note that while sober living environments or alcohol and drug free housing are not required to be licensed by ADP, business permits or clearances may be required by the local cities or counties in which the houses are located.
- Facilities with licenses from other departments (e.g., group homes licensed by the Department of Social Services; Chemical Dependency Recovery Hospitals licensed by the Department of Health Services).

#### **Licensed vs. Certified Facilities**

##### **3. What is the difference between a licensed and a certified facility?**

Any residential facility providing one or more of the following services to adults must be licensed: detoxification; group, individual or educational sessions; and/or recovery or treatment planning. Nonresidential programs are not required to be licensed.

In addition to licensure, ADP provides a voluntary certification process to identify programs which exceed a minimal level of service quality and are in substantial compliance with the Department's standards. Certification is

available to both residential and nonresidential programs. Obtaining certification is considered advantageous in gaining the confidence of both potential residents and third party payers.

More information may be obtained from the *Licensing & Certification of Alcoholism or Drug Abuse Recovery or Treatment Programs* Fact Sheet by accessing the following ADP web page:

[http://www.adp.ca.gov/FactSheets/Licensing\\_and\\_Certification\\_of\\_Alcoholism\\_orDrug\\_Abuse\\_Recovery\\_or\\_Treatment\\_Programs.pdf](http://www.adp.ca.gov/FactSheets/Licensing_and_Certification_of_Alcoholism_orDrug_Abuse_Recovery_or_Treatment_Programs.pdf)

**4. What kind of services will I expect to find in a licensed facility?**

Residential facilities provide non-medical services to individuals addicted to alcohol and/or other drugs who are working to overcome their addiction. Services include education/group/individual sessions; recovery or treatment planning; and detoxification services. In addition, a licensed facility may offer individualized services (e.g., vocational and employment search training, community volunteer opportunities, new skills training, peer support, social and recreational activities, and information about and referral to appropriate community services).

**5. Who do these facilities serve?**

Residential facilities licensed by ADP serve adults 18 years of age and older. Adult facilities may also serve a limited number of adolescents (14 and older) on a waiver basis. Some facilities allow dependent children to reside with their parents. Licensed facilities are mandated to display their license, which indicates the treatment capacity and the population they are allowed to serve, in a public location.

## Locating a Facility

**6. I am looking for an alcohol and/or drug program. How do I locate one and how can I tell if it is licensed and/or certified?**

ROPCB maintains a list, in county order, of licensed and/or certified programs. This information can be obtained by accessing the following ADP web page:

[www.adp.ca.gov/LCB/pdf/lcb\\_rpirt.pdf](http://www.adp.ca.gov/LCB/pdf/lcb_rpirt.pdf)

It may also be obtained by calling ROPCB at (916) 322-2911, or writing to:

Department of Alcohol and Drug Programs  
ROPCB  
1700 K Street, 3rd Floor  
Sacramento, CA 95814

In addition, the County Alcohol and Drug Administrator in your county has a list of programs that you can obtain by contacting your Alcohol and Drug Program County Office. You may locate your specific information at:  
<http://www.adp.ca.gov/RC/pdf/cadpaac.pdf>

**7. Will ADP recommend a facility or program?**

ADP will not recommend a facility or program. ADP assures that facilities meet mandated requirements through the licensing and certification process. ADP recommends that individuals research programs or facilities that are being considered to find the one that best meets their needs. You may contact your County Alcohol and Drug Program Administrator for names and descriptions of programs in your county. You may also contact ADP and request any information regarding complaints that have been filed against any particular licensed and/or certified program. Please refer to question #19 on how to obtain this information.

## 8. How does one pay for services?

Payments for services are arranged by agreement between the resident and the facility. Some facilities receive federal and state funds through contracts with counties. Although costs may vary, any recovery or treatment service fee must be addressed in a written agreement at time of admission.

## Starting a Facility

## 9. What is the process for licensing a facility?

Prospective residential facilities that plan to provide non-medical alcoholism or drug abuse recovery, treatment, or detoxification services to adults need to contact ROPCB. Please refer to question #10 on how to request an application.

Prior to initial licensure, the applicant must complete a written application, submit an approved fire clearance from the local fire authority, pay an applicable license fee (nonprofit organizations and local governmental entities are exempt from the license fee), and pass a facility on-site inspection conducted by ADP to determine compliance with all applicable laws and regulations. When it has been determined that the applicant is in compliance with all requirements, ADP will issue a license valid for two years.

Information regarding funding that may be available for establishing a facility can be obtained at the federal Substance Abuse and Mental Health Services Administration (SAMHSA) website: [www.samhsa.gov](http://www.samhsa.gov). The California Association of Addiction Recovery Resources (CAARR) website will also provide useful information: [www.caarr.org](http://www.caarr.org).

## 10. Can ADP help start a drug and alcohol treatment and/or recovery facility?

ADP will provide information about the licensing and certification process. The applications and all the information regarding the requirements are available by telephone at (916) 322-2911, by fax at (916) 322-2658, or by writing to:

Department of Alcohol and Drug Programs  
ROPCB  
1700 K Street, 3rd Floor  
Sacramento, CA 95814

Application packets for licensure or certification can also be accessed on the following ADP web pages:

For Initial Licensing Application  
<http://www.adp.ca.gov/LCB/InitialLicenseApp.shtml>

For Initial Certification Application  
<http://www.adp.ca.gov/LCB/InitialCertificationApp.shtml>

For Initial Drug Medi-Cal Certification

[http://www.adp.ca.gov/LCB/Drug\\_MediCal.shtml](http://www.adp.ca.gov/LCB/Drug_MediCal.shtml)

ADP has contracted with CAARR to assist providers with free technical assistance. You may contact CAARR at (916) 338-9460 or by accessing the following web page: [www.caarr.org](http://www.caarr.org)

## 11. What program areas are addressed by licensure?

The licensing application process includes a thorough review of the facility's program in the following areas: fire clearance, water supply clearance, plan of operation, total occupancy and treatment capacity determination, reporting requirements, personnel requirements, personnel records, admission agreements, health screening, resident records, personal rights, telephones, transportation, health-related services, food service, activities, building and grounds, indoor

and outdoor activity space, storage space, fixtures, furniture, and equipment.

**12. Will I need a zoning permit or local land use permit?**

All facilities and programs applying for certification are required to submit to ADP approval from the local agency authorized to provide a building use permit. A residential facility that has a licensed treatment capacity of six beds or less is exempt from this requirement.

Facilities that are only applying for licensure are not required to submit a zoning permit.

**13. What role do other government agencies play in the licensing process?**

ADP is the sole licensing authority for residential non-medical alcoholism or drug abuse recovery or treatment facilities.

Local officials are involved in zoning of property for commercial or residential use and issuance of use permits and business licenses. Facilities providing services to six or fewer people are exempt from certain local land use, zoning ordinances (not exempt from ADP licensure), and other restrictions, under the Health and Safety Code, beginning with Section 11834.20. The code states that such facilities cannot be subject to taxes, fees, use permits, or zoning requirements that other single family dwellings are not subject to.

Facilities utilizing central food service may also be subject to special permits issued through the local health department.

Local fire safety inspectors (or a representative from the State Fire Marshal's Office) conduct site visits in every facility applying for licensure to determine compliance with fire safety regulations. Although ADP may issue a license without regard to a conditional use permit, no license can be

issued without an appropriate fire safety clearance. A valid fire clearance must be maintained.

The Federal Fair Housing Act of 1988 provides protection from discrimination for facilities serving persons recovering from problems related to the use of alcohol or other drugs.

**14. How do I get referrals or clients for my facility?**

There are several possible methods for getting referrals or clients. You can contact your County Alcohol and Drug Program Administrator and/or local organized alcohol and/or other drug groups such as Alcoholics Anonymous or Narcotics Anonymous. You may also advertise. ADP does not make referrals to facilities.

**15. Can I get financial assistance to open an alcohol or drug facility?**

Funding sources can be located through the Resource Center on ADP's website. You may also get funding information from SAMHSA. SAMHSA can be located on the web at [www.samhsa.gov](http://www.samhsa.gov) or by calling (301) 443-4111.

For nonprofit health care facilities, the Cal-Mortgage Loan Insurance program offers assistance in obtaining private financing for developing or expanding services. You may contact the Cal-Mortgage Loan Insurance Division at 300 Capitol Mall, Suite 1500, Sacramento, CA 95814, by telephone at (916) 324-9957, or by e-mail at [cminsire@oshpd.state.ca.us](mailto:cminsire@oshpd.state.ca.us).

## Complaints

**16. I have a complaint about an alcohol and/or drug program. What can I do?**

ADP investigates complaints that deal with violations of the law, regulations, and/or

certification standards, including facilities which are alleged to be operating without a license. ADP will initiate an investigation within ten working days of receipt of the complaint. You can file a complaint by telephone at (916) 322-2911, by fax at (916) 322-2658, by email at [LCBcomp@adp.state.ca.us](mailto:LCBcomp@adp.state.ca.us) or by writing to:

*Department of Alcohol and Drug Programs  
ROPCB  
Complaints Unit  
1700 K Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814*

A complaint may also be filed through our website at [www.adp.ca.gov](http://www.adp.ca.gov) by clicking on the Comments/Complaints section.

**17. How can I be assured that someone will investigate my complaint?**

ADP will investigate all complaints that deal with violation of an alcoholism or drug abuse treatment or recovery law, regulation, and/or certification standard. A program is evaluated according to Division 10.5 of the Health and Safety Code, Title 9, CCR, and/or the Alcohol and/or Other Drug Program Certification Standards, depending on its license or certification. Complaints can be made anonymously.

**18. How does the State investigate situations involving unlicensed facilities?**

If ADP receives a complaint in which a facility is alleged to be operating without a license, ADP staff shall initiate an investigation within ten working days of receipt of the complaint. If ADP finds that services are being provided unlawfully, ADP will notify the operator to cease operation. ADP does have the authority to assess fines for noncompliance if unlicensed facilities fail to comply, and may ask for court assistance to order closure of a facility.

**19. How can a completed/closed ADP inspection report and/or complaint investigation report be requested on a facility?**

The Public Records Act provides the public access to certain information following the completion of on-site inspections. You may request a copy of any completed/closed inspection report or complaint investigation by submitting a written request to ROPCB at 1700 K Street, Sacramento, California, 95814. Your request must provide the name and location of the facility and the year the report/investigation was completed.

## Drug Medi-Cal Facilities

**20. What is the difference between being certified for alcohol and/or other drug program services and being certified for the Drug Medi-Cal (DMC) program for substance abuse treatment services?**

A clinic that is DMC certified is authorized to provide services that have been approved by a physician as medically necessary to an individual who is otherwise Medi-Cal eligible.

Alcohol and/or other drug certification indicates that a program exceeds a minimal level of service quality and that the program is in substantial compliance with ADP's certification standards.

**21. How do I become DMC certified?**

The program provider must first submit a completed application to ADP. Once ADP determines that the provider's application is complete, an on-site review is scheduled to ensure that the clinic is in full compliance with federal and state Medicaid requirements. Once the requirements are met a certification is issued.

Applications and all the information regarding the requirements are available by telephone at



(916) 322-2911, by fax at (916) 322-2658, or by writing to:

*Department of Alcohol and Drug Programs  
ROPCB  
1700 K Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814*

**22. How can I get reimbursed for my DMC services?**

If you have met the state requirements and are certified as a DMC clinic you are eligible to be reimbursed for your services. The services eligible for reimbursement through the DMC system are outpatient drug free, narcotic treatment program (formerly outpatient methadone maintenance), day care rehabilitative, naltrexone, and perinatal residential.

Reimbursement for DMC services will normally be obtained through a contract with the county. Information regarding the contract process can be obtained directly from the County Alcohol and Drug Program Administrator for the county in which the clinic will be located. Please refer to question #6 for information on how to contact the county.

## General Questions

**23. How can I be assured that information about my participation in a licensed or certified alcohol and/or drug treatment or recovery program remains private?**

The federal government enacted two laws in the early 1970's to guarantee the confidentiality of information regarding an individual that is receiving alcohol and/or drug abuse prevention and treatment services. These laws were enacted to encourage persons with alcohol and/or other drug problems to get help without incurring the risk of adding to their problems. The laws (Code of Federal Regulations, Part 2) apply to any licensed and/or certified recovery/treatment

program and all the personnel connected with that program.

**24. Are alcohol and drug treatment counselors certified?**

Currently, ADP does not require counselors to be certified. Each program establishes the requirements for their counselors and some counties may choose to contract only with recovery/treatment service providers who certify their counselors. ADP has proposed regulations for counselor certification. For more information on this please go to the following ADP web page:

<http://www.adp.ca.gov/lcb/lcbhome.shtml>

**25. Are there facilities that provide alcohol and/or other drug treatment or recovery services that are licensed by other agencies?**

Programs that have an alcohol and/or other drug recovery/treatment service component and are seeking additional funds from ADP may be required by their funding agency to obtain certification from ADP.

The California Department of Social Services licenses group homes and oversees an array of programs offered by group homes that provide care, supervision, and services for children at risk. The alcohol and/or other drug recovery/treatment services provided by these homes may also be certified by ADP.

The Department of Health Services licenses chemical dependency recovery hospitals that may also have ADP-certified alcohol and/or other drug recovery/treatment services.

**26. Is there any other information about alcohol and drug recovery programs?**

Information about Alcohol- and Drug-Free Housing also known as sober living can be obtained by accessing the following web page:

[http://www.adp.ca.gov/FactSheets/Alcohol\\_and\\_Drug-Free\\_Housing.pdf](http://www.adp.ca.gov/FactSheets/Alcohol_and_Drug-Free_Housing.pdf)

It may also be obtained by calling ROPCB at (916) 322-2911, or writing to:

Department of Alcohol and Drug Programs  
ROPCB  
1700 K Street, 3rd Floor  
Sacramento, CA 95814

Information regarding Social Model Recovery can be accessed at:

[http://www.adp.ca.gov/FactSheets/Social\\_Model\\_Recovery.pdf](http://www.adp.ca.gov/FactSheets/Social_Model_Recovery.pdf) and  
[http://www.adp.ca.gov/FactSheets/Social\\_Model\\_the\\_Most\\_Frequently\\_Asked\\_Questions.pdf](http://www.adp.ca.gov/FactSheets/Social_Model_the_Most_Frequently_Asked_Questions.pdf)

Information regarding the Therapeutic Community can be accessed at:

[http://www.adp.ca.gov/FactSheets/Therapeutic\\_Community.pdf](http://www.adp.ca.gov/FactSheets/Therapeutic_Community.pdf) and  
[http://www.adp.ca.gov/FactSheets/Therapeutic\\_Community\\_the\\_Most\\_Frequently\\_Asked\\_Questions.pdf](http://www.adp.ca.gov/FactSheets/Therapeutic_Community_the_Most_Frequently_Asked_Questions.pdf)

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